

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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METROPOLITAN TRANSPORTATION
AUTHORITY, *et al.*,

Plaintiffs,

RIDERS ALLIANCE, *et al.*,

Intervenor-Plaintiffs,

No. 1:25-cv-1413-LJL

v.

SEAN DUFFY, in his official capacity as Secretary
of the United States Department of
Transportation, *et al.*,

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Intervenor-Plaintiff New York State Department of Transportation's Motion for a Preliminary Injunction dated May 5, 2025, the Declaration of Janet Ho executed on May 5, 2025, and all of the pleadings and proceedings previously had in this action, the undersigned will move this Court pursuant to 5 U.S.C. § 705 and Federal Rule of Civil Procedure 65(a), at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order staying and preliminarily enjoining Defendants from:

1. Taking any actions to enforce compliance with or implement the February 19, 2025 letter from defendant Secretary Sean Duffy to Governor Kathy Hochul purporting to terminate the Value Pricing Pilot Program Agreement and

rescind federal approval for the congestion pricing program in the Central Business District of Manhattan (the “February 19 Letter”), including but not limited to enjoining defendants from implementing the “compliance measures” detailed in defendant Secretary Duffy’s April 21, 2025 letter to Governor Hochul (the “April 21 Letter”);

2. Taking any further agency action founded on the February 19 Letter or the April 21 Letter;

3. Withdrawing, cancelling, delaying, rescinding, or withholding any appropriated, authorized, obligated, committed, and/or otherwise due federal funding from intervenor-plaintiff New York State Department of Transportation (“State DOT”) in retaliation for commencing this action or for continued operation of the congestion pricing program;

4. Withdrawing, cancelling, delaying, rescinding, or withholding any appropriated, authorized, obligated, committed, and/or otherwise due federal funding from intervenor-plaintiff State DOT in the absence of constitutional and statutory authority or in violation of applicable law and procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to Order of this Court [ECF No. 77], papers in opposition to this motion shall be served and filed by May 16, 2025, and reply papers in further support of this motion shall be served and filed by May 22, 2025. If the Court decides it is necessary, the Court will hold a hearing on the motion on May 27, 2025 at 10:00 a.m.

Dated: New York, New York
May 5, 2025

Respectfully Submitted,

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Andrew G. Frank

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